

Message Text

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ACTION EUR-12

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PASS COMMERCE AND AGRICULTURE

E.O. 11652:N/A

TAGS: EIND,EEC,ETRD

SUBJECT: EC DRAFT DIRECTIVE CONCERNING RANGES OF NOMINAL QUANTITIES
PERMITTED FOR CERTAIN PREPACKAGED PRODUCTS

REF: (A) STATE 220278,(B) EC A-241

1. MISSION EXPLAINED U.S. POSITION (REF.A,PARAGRAPHS 1
AND 2) TO JACQUES FAURE WHO IS EC OFFICIAL RESPONSIBLE FOR
STANDARDIZATION MATTERS AND IS EC DELEGATE TO THE INTERNATIONAL
ORGANIZATION OF LEGAL METROLOGY (OIML).

2. FAURE WAS AWARE THAT UNITED STATES WOULD PROPOSE NEW
WORKING GROUP ON PREPACKAGED PRODUCTS AT OCTOBER MEETING OF
OIML AND SAID HE WOULD SUPPORT SUCH A MOVE. FAURE ADDED
THAT EC WOULD NEVERTHELESS PUSH AHEAD WITH PROPOSED
DIRECTIVE THIS DOUBLE APPROACH IS NECESSARY,FAURE FELT,
BECAUSE OIML NEGOTIATIONS COULD BE EXTREMELY LENGTHY
PROCESS AND CERTAIN MEMBER STATES WOULD MOVE QUICKLY TO
IMPLEMENT NATIONAL REGULATIONS IF THEY SAW PROGRESS IN
OIML STALLED. HE POINTED OUT THAT INDIVIDUAL COUNTRY
INITIATIVES NOT LIKELY TO BE IN BEST INTERESTS OF UNITED
STATES.

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3. REGARDING TIMETABLE FOR POPOSED DIRECTIVE,FAURE SAID

THAT EVEN THOUGH ECONOMIC AND SOCIAL COMMITTEE AND EUROPEAN PARLIAMENT WILL HAVE PRESENTED ADVISORY OPINIONS BY NEXT SPRING,COUNCIL UNLIKELY TO CONSIDER THE DIRECTIVE BEFORE BEGINNING OF NEW COUNCIL PRESIDENCY (BELGIAN) IN JULY 1977. EARLIEST COUNCIL ACTION ACCORDING TO FAURE WOULD COME IN 1978.

4 FAURE EMPHASIZED THAT BEFORE COUNCIL ACTION IS TAKEN HE IS WILLING TO TALK WITH AND RECEIVED COMMENTS FROM INTERESTED U.S PARTIES REGARDING THE PROPOSED DIRECTIVE.

5. WITH REGARD TO QUESTION A,PARAGRAPH 4 OF REFTEL A, FAURE EXPLAINED THAT,UNDER THE TERMS OF THIS DIRECTIVE, FREE CIRCULATION WOULD BE GRANTED TO CONTAINERS MEETING TWO CONDITIONS.

A. THEIR CAPACITY BE ONE OF THOSE CITED IN THE ANNEX,AND

B. THEIR CAPACITY BE MARKED EITHER ON THE CONTAINER OR ON THE LABEL.

CONTAINERS FAILING TO MEET EITHER OF THESE CONDITIONS COULD BE ACCEPTED BY SPECIFIC MEMBER STATE OPTION. CONSEQUENTLY, THE ENTRY OF SUCH CONTAINERS INTO A MEMBER STATE WOULD BE A FIT SUBJECT FOR NEGOTIATION BETWEEN MEMBER STATES AND THIRD COUNTRIES. FAURE FELT THAT MARKING CONTAINERS (CONTAINER ITSELF OR LABEL) WHICH CONFORM TO COMMUNITY SIZES IS NECESSARY SINCE SUCH MARKINGS PROVIDE CUSTOMS OFFICIALS AT MEMBER STATE PORTS WITH THEIR ONLY MEANS OF DETERMINING QUICKLY WHAT COULD ENTER FREELY WITH REGARD TO QUESTION B IN PARAGRAPH 4,PROVISIONS FOR ESTABLISHING TOLERANCES FOR CONTAINER CAPACITIES HAVE BEEN ESTABLISHED IN EC DIRECTIVE 211 OF JANUARY 1976,AS REPORTED REF B FINALLY,QUESTION C,CONCERNING ADMINISTRATION OF ENFORCEMENT AT PORTS OF ENTRY, HAS ALSO BEEN ANSWERED BY DIRECTIVE 211 OF JANUARY 1976 AS REPORTED REF B, I.E.ANNEX 2,SECTION 1,(THIRD PARAGRAPH) STATES THAT,AS IN CASE IN ALL DIRECTIVES,TESTING,INSPECTION AND ENFORCEMENT PROCEDURES TO CONTROL PROVISIONS OF THE FORTHCOMING DIRECTIVE MUST BE SET UP AND CARRIED OUT BY EACH MEMBER STATE.

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